



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

March 27, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on March 27, 2018:

HB 2034 social security; state agency designation (Livingston)
HB 2053 sexual acts; theft by extortion (Syms)
HB 2078 political subdivisions; candidate committee (Finchem)
HB 2085 schools; emergency epinephrine administration (Carter)
HB 2168 mobile homes; recreational vehicles; fund (Coleman)
HB 2190 county improvement districts; repayment agreements (Mitchell)
HB 2243 wrong-way driving; violation; DUI (Farnsworth, E.)
HB 2247 criminal justice commission; reporting requirements (Farnsworth, E.)
HB 2312 setting aside conviction; requirements (Farnsworth, E.)
HB 2404 taxidermy; registry (Mosley)
HB 2460 charter schools; vacant buildings; equipment (Leach)
HB 2461 zoning regulations; private schools (Leach)
HB 2633 pharmacists; controlled substances (Cobb)
SB 1375 contractor licensure (Fann)
SB 1423 common school districts; lapsing; procedure (Griffin)

Sincerely,

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

Senate Engrossed House Bill

FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

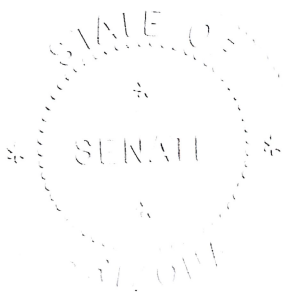
CHAPTER 87

HOUSE BILL 2633

AN ACT

AMENDING SECTIONS 32-3248 AND 32-3248.01, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2018, FIRST SPECIAL SESSION, CHAPTER 1, SECTION 29; AMENDING SECTION 36-2525, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, FIRST SPECIAL SESSION, CHAPTER 1, SECTION 37; RELATING TO PHARMACISTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-3248, Arizona Revised Statutes, as added by
3 Laws 2018, first special session, chapter 1, section 29, is amended to
4 read:

5 32-3248. Health professionals; controlled substances; initial
6 prescriptions; limits; exceptions; definition

7 A. A health professional who is authorized under this title to
8 prescribe controlled substances shall limit the initial prescription for a
9 patient for a schedule II controlled substance that is an opioid to not
10 more than a five-day supply, except that an initial prescription for a
11 schedule II controlled substance that is an opioid following a surgical
12 procedure is limited to not more than a fourteen-day supply.

13 B. Subsection A of this section does not apply to initial
14 prescriptions if the patient:

- 15 1. Has an active oncology diagnosis.
- 16 2. Has a traumatic injury, not including a surgical procedure.
- 17 3. Is receiving hospice care.
- 18 4. Is receiving end-of-life care.
- 19 5. Is receiving palliative care.
- 20 6. Is receiving skilled nursing facility care.
- 21 7. Is receiving treatment for burns.
- 22 8. Is receiving medication-assisted treatment for a substance use
23 disorder.
- 24 9. Is an infant who is being weaned off opioids at the time of
25 hospital discharge.

26 C. If a health professional's prescribing authority under the
27 relevant chapter of this title for schedule II controlled substances is
28 more restrictive than the limit specified in subsection A of this section,
29 the health professional's prescribing authority under the relevant chapter
30 of this title applies.

31 D. AN INITIAL PRESCRIPTION FOR A SCHEDULE II CONTROLLED SUBSTANCE
32 THAT IS AN OPIOID THAT IS WRITTEN FOR MORE THAN A FIVE-DAY SUPPLY IS
33 DEEMED TO MEET THE REQUIREMENTS OF AN EXEMPTION UNDER THIS SECTION WHEN
34 THE INITIAL PRESCRIPTION IS PRESENTED TO THE DISPENSER. A PHARMACIST IS
35 NOT REQUIRED TO VERIFY WITH THE PRESCRIBER WHETHER THE INITIAL
36 PRESCRIPTION COMPLIES WITH THIS SECTION.

37 ~~D.~~ E. For the purposes of this section, "initial prescription"
38 means a prescription for a schedule II controlled substance that is an
39 opioid that has not covered any portion of the past sixty days before the
40 date the pharmacy dispenses the current prescription as evidenced by the
41 controlled substances prescription monitoring program's central database
42 tracking system.

1 Sec. 2. Section 32-3248.01, Arizona Revised Statutes, as added by
2 Laws 2018, first special session, chapter 1, section 29, is amended to
3 read:

4 32-3248.01. Schedule II controlled substances; dosage limit;
5 exceptions; morphine; opioid antagonist;
6 definition

7 A. A health professional who is authorized under this title to
8 prescribe controlled substances may not issue a new prescription order for
9 a schedule II controlled substance that is an opioid that exceeds ninety
10 morphine milligram equivalents per day.

11 B. The limit prescribed by subsection A of this section does not
12 apply to:

13 1. A continuation of a prior prescription order that was issued
14 within the previous sixty days.

15 2. An opioid with a maximum approved total daily dose in the
16 labeling as approved by the United States food and drug administration.

17 3. A patient who:

18 (a) Has an active oncology diagnosis.

19 (b) Has a traumatic injury, not including a surgical procedure.

20 (c) Is receiving hospice care.

21 (d) Is receiving end-of-life care.

22 (e) Is receiving palliative care.

23 (f) Is receiving skilled nursing facility care.

24 (g) Is receiving treatment for burns.

25 (h) Is receiving medication-assisted treatment for a substance use
26 disorder.

27 (i) Is hospitalized.

28 C. If a health professional believes that a patient requires more
29 than ninety morphine milligram equivalents per day and the patient is not
30 exempt from the limit pursuant to subsection B of this section, the health
31 professional shall first consult with a physician who is licensed pursuant
32 to chapter 13 or 17 of this title and who is board-certified in pain. The
33 consultation may be done by telephone or through telemedicine. If the
34 consulting physician is not available to consult within forty-eight hours
35 after the request, the health professional may prescribe the amount that
36 the health professional believes the patient requires and subsequently
37 have the consultation. If the health professional is a physician who is
38 licensed pursuant to chapter 13 or 17 of this title and is board-certified
39 in pain, the health professional may issue a prescription order for more
40 than ninety morphine milligram equivalents per day without a consultation
41 under this subsection.

42 D. If a patient is prescribed more than ninety morphine milligram
43 equivalents per day pursuant to subsection B or C of this section, the
44 prescribing health professional shall also prescribe for the patient
45 naloxone hydrochloride or any other opioid antagonist that is approved by

1 the United States food and drug administration for the treatment of
2 opioid-related overdoses.

3 E. A PRESCRIPTION ORDER FOR A SCHEDULE II CONTROLLED SUBSTANCE THAT
4 IS AN OPIOID THAT IS WRITTEN FOR MORE THAN NINETY MORPHINE MILLIGRAM
5 EQUIVALENTS PER DAY IS DEEMED TO MEET THE REQUIREMENTS OF AN EXEMPTION
6 UNDER THIS SECTION WHEN THE PRESCRIPTION ORDER IS PRESENTED TO THE
7 DISPENSER. A PHARMACIST IS NOT REQUIRED TO VERIFY WITH THE PRESCRIBER
8 WHETHER THE PRESCRIPTION ORDER COMPLIES WITH THIS SECTION.

9 F. For the purposes of this section, "prescription order" has
10 the same meaning prescribed in section 32-1901.

11 Sec. 3. Section 36-2525, Arizona Revised Statutes, as amended by
12 Laws 2018, first special session, chapter 1, section 37, is amended to
13 read:

14 36-2525. Prescription orders; labels; packaging; definition

15 A. In addition to the requirements of section 32-1968 pertaining to
16 prescription orders for prescription-only drugs, the prescription order
17 for a controlled substance shall bear the name, address and federal
18 registration number of the prescriber. A prescription order for a
19 schedule II controlled substance drug other than a hospital drug order for
20 a hospital inpatient shall contain only one drug order per prescription
21 blank. If authorized verbally by the prescriber, the pharmacist may make
22 changes to correct errors or omissions made by the prescriber on the
23 following parts of a written or electronic schedule II controlled
24 substance prescription order:

- 25 1. The date issued.
- 26 2. The strength, dosage form or quantity of drug.
- 27 3. The directions for its use.

28 B. The pharmacist must document on the original prescription order
29 the changes that were made pursuant to the verbal authorization and record
30 the time and date the authorization was granted.

31 C. A person who is registered to dispense controlled substances
32 under this chapter must keep and maintain prescription orders for
33 controlled substances as follows:

34 1. Prescription orders for controlled substances listed in
35 schedules I and II must be maintained in a separate prescription file for
36 controlled substances listed in schedules I and II only.

37 2. Prescription orders for controlled substances listed in
38 schedules III, IV and V must be maintained either in a separate
39 prescription file for controlled substances listed in schedules III, IV
40 and V only or in a form that allows them to be readily retrievable from
41 the other prescription records of the registrant. For the purposes of
42 this paragraph, "readily retrievable" means that, when the prescription is
43 initially filed, the face of the prescription is stamped in red ink in the
44 lower right corner with the letter "C" in a font that is not less than one
45 inch high and that the prescription is filed in the usual consecutively

1 numbered prescription file for noncontrolled substance prescriptions. The
2 requirement to stamp the hard copy prescription with a red "C" is waived
3 if a registrant employs an electronic data processing system or other
4 electronic recordkeeping system for prescriptions that permits
5 identification by prescription number and retrieval of original documents
6 by the prescriber's name, patient's name, drug dispensed and date filled.

7 D. Except in emergency situations in conformity with subsection E
8 of this section, under the conditions specified in subsections F and G of
9 this section or when dispensed directly by a medical practitioner to an
10 ultimate user, a controlled substance in schedule II shall not be
11 dispensed without either the written prescription order in ink or
12 indelible pencil or typewritten and manually signed by the medical
13 practitioner or an electronic prescription order as prescribed by federal
14 law or regulation. Beginning January 1, 2019, a schedule II controlled
15 substance that is an opioid may be dispensed in a county with a population
16 of one hundred fifty thousand persons or more only with an electronic
17 prescription order as prescribed by federal law or regulation. Beginning
18 July 1, 2019, a schedule II controlled substance that is an opioid may be
19 dispensed in a county with a population of less than one hundred fifty
20 thousand persons only with an electronic prescription order as prescribed
21 by federal law or regulation. A prescription order for a schedule II
22 substance shall not be dispensed more than ninety days after the date on
23 which the prescription order was issued. NOTWITHSTANDING ANY OTHER
24 PROVISION OF THIS SECTION, a ~~limited service~~ pharmacy ~~as defined in~~
25 ~~section 32-1901~~ may sell and dispense a schedule II CONTROLLED substance
26 prescribed by a medical practitioner who is located IN ANOTHER COUNTY IN
27 THIS STATE OR in another state if the prescription was issued to the
28 patient according to and in compliance with the applicable laws of the
29 state of the prescribing medical practitioner and federal law. A
30 prescription order for a schedule II controlled substance shall not be
31 refilled.

32 E. In emergency situations, emergency quantities of schedule II
33 controlled substances may be dispensed on an oral prescription order of a
34 medical practitioner. Such an emergency prescription order shall be
35 immediately reduced to writing by the pharmacist and shall contain all the
36 information required for schedule II controlled substances except for the
37 manual signing of the order by the medical practitioner. Within seven
38 days after authorizing an emergency oral prescription order, the
39 prescribing medical practitioner shall cause a written prescription order
40 manually signed for the emergency quantity prescribed to be delivered to
41 the dispensing pharmacist or an electronic prescription order to be
42 transmitted to the dispensing pharmacist. In addition to conforming to
43 other requirements for prescription orders for schedule II controlled
44 substances, the prescription order shall indicate electronically or have
45 written on its face "authorization for emergency dispensing" and the date

1 of the oral order. If the prescribing medical practitioner fails to
2 deliver such an emergency prescription order within seven days in
3 conformance with board rules, the pharmacist shall notify the board.
4 Failure of the pharmacist to notify the board voids the authority
5 conferred by this subsection to dispense without a prescription order of a
6 medical practitioner that is electronic or that is written and manually
7 signed.

8 F. The following may be transmitted to a pharmacy by fax by a
9 patient's medical practitioner or the medical practitioner's agent:

10 1. A prescription order written for a schedule II controlled
11 substance to be compounded for the direct administration to a patient by
12 parenteral, intravenous, intramuscular, subcutaneous or intraspinal
13 infusion.

14 2. A prescription order written for any schedule II controlled
15 substance for a resident of a long-term care facility.

16 3. A prescription order written for a schedule II controlled
17 substance for a patient enrolled in a hospice care program that is
18 certified or paid for by medicare under title XVIII or a hospice program
19 that is licensed by this state. The medical practitioner or the medical
20 practitioner's agent must note on the prescription that the patient is a
21 hospice patient.

22 G. A fax transmitted pursuant to subsection F of this section is
23 the original written prescription order for purposes of this section and
24 must be maintained as required by subsection C of this section.

25 H. Except when dispensed directly by a medical practitioner to an
26 ultimate user, a controlled substance included in schedule III or IV that
27 requires a prescription order as determined under state or federal laws
28 shall not be dispensed without a written or oral prescription order of a
29 medical practitioner or an electronic prescription order as prescribed by
30 federal law or regulation. The prescription order shall not be filled or
31 refilled more than six months after the date on which the prescription
32 order was issued. A prescription order authorized to be refilled shall
33 not be refilled more than five times. Additional quantities may only be
34 authorized by the prescribing medical practitioner through issuance of a
35 new prescription order that shall be treated by the pharmacist as a new
36 and separate prescription order.

37 I. Except when dispensed directly by a medical practitioner to an
38 ultimate user, a controlled substance that is included in schedule V and
39 that requires a prescription order as determined under state or federal
40 laws shall not be dispensed without a written or oral prescription order
41 of a medical practitioner. The prescription order may be refilled as
42 authorized by the prescribing medical practitioner but shall not be filled
43 or refilled more than one year after the date of issuance.

44 J. A controlled substance that is listed in schedule III, IV or V
45 and that does not require a prescription order as determined under state

1 or federal laws may be dispensed at retail by a pharmacist, a pharmacy
2 intern or a graduate intern under the pharmacist's supervision without a
3 prescription order to a purchaser who is at least eighteen years of age if
4 all of the following are true:

5 1. It is for a legitimate medical purpose.

6 2. Not more than two hundred forty cubic centimeters (eight ounces)
7 of any such controlled substance containing opium, nor more than one
8 hundred twenty cubic centimeters (four ounces) of any other such
9 controlled substance, nor more than forty-eight dosage units of any such
10 controlled substance containing opium, nor more than twenty-four dosage
11 units of any other controlled substance may be dispensed at retail to the
12 same purchaser in any given forty-eight-hour period.

13 3. No more than one hundred dosage units of any single active
14 ingredient ephedrine preparation may be sold, offered for sale, bartered
15 or given away to any one person in any one thirty-day period.

16 4. The pharmacist, pharmacy intern or graduate intern requires
17 every purchaser of a controlled substance under this subsection who is not
18 known to that person to furnish suitable identification, including proof
19 of age if appropriate.

20 5. A bound record book for dispensing controlled substances under
21 this subsection is maintained by the pharmacist and contains the name and
22 address of the purchaser, the name and quantity of the controlled
23 substance purchased, the date of each purchase and the name or initials of
24 the pharmacist, pharmacy intern or graduate intern who dispensed the
25 substance to the purchaser. The book shall be maintained in conformity
26 with the recordkeeping requirements of section 36-2523.

27 K. In the absence of a law requiring a prescription for a schedule
28 V controlled substance, the board, by rules, may require, or remove the
29 requirement of, a prescription order for a schedule V controlled
30 substance.

31 L. The label on a container of a controlled substance that is
32 directly dispensed by a medical practitioner or pharmacist and that is not
33 for the immediate administration to the ultimate user, such as a bed
34 patient in a hospital, shall bear the name and address of the dispensing
35 medical practitioner or pharmacist, the serial number, the date of
36 dispensing, the name of the prescriber, the name of the patient or, if an
37 animal, the name of the owner of the animal and the species of the animal,
38 the directions for use and cautionary statements, if any, contained in the
39 prescription order or required by law. If the controlled substance is
40 included in schedule II, III or IV, the label shall bear a transfer
41 warning to the effect: "Caution: federal law prohibits the transfer of
42 this drug to any person other than the patient for whom it was
43 prescribed". The container of a schedule II controlled substance that is
44 an opioid that is directly dispensed by a pharmacist and that is not for
45 the immediate administration to the ultimate user shall have a red cap and

1 a warning label prescribed by the board about potential addiction. THE
2 BOARD OR THE EXECUTIVE DIRECTOR, IF DELEGATED BY THE BOARD, MAY WAIVE THE
3 RED CAP REQUIREMENT IF IMPLEMENTING THE REQUIREMENT IS NOT FEASIBLE
4 BECAUSE OF THE SPECIFIC DOSAGE FORM OR PACKAGING TYPE.

5 M. Controlled substances in schedules II, III, IV and V may be
6 dispensed as electronically transmitted prescriptions if the prescribing
7 medical practitioner is all of the following:

8 1. Properly registered by the United States drug enforcement
9 administration.

10 2. Licensed in good standing in the United States jurisdiction in
11 which the medical practitioner practices.

12 3. Authorized to issue such prescriptions in the jurisdiction in
13 which the medical practitioner is licensed.

14 N. Notwithstanding any other provision of this section, beginning
15 January 1, 2019, each prescription order that is issued by a medical
16 practitioner in a county with a population of one hundred fifty thousand
17 persons or more for a schedule II controlled substance that is an opioid
18 shall be transmitted electronically to the dispensing pharmacy.
19 Notwithstanding any other provision of this section, beginning July 1,
20 2019, each prescription order that is issued by a medical practitioner in
21 a county with a population of less than one hundred fifty thousand persons
22 for a schedule II controlled substance that is an opioid shall be
23 transmitted electronically to the dispensing pharmacy.

24 O. The requirement in subsections D and N of this section for an
25 electronic prescription order does not apply to a prescription order for a
26 schedule II controlled substance that is an opioid that is issued for
27 medication-assisted treatment for a substance use disorder.

28 P. The board, by rule, may provide additional requirements for
29 prescribing and dispensing controlled substances.

30 Q. The board shall establish a process to grant a waiver for the
31 requirement in subsections D and N of this section for electronic
32 prescription orders to a medical practitioner who lacks adequate access to
33 broadband or faces other hardships that prevent the medical practitioner
34 from implementing electronic prescription orders. A PHARMACIST IS NOT
35 REQUIRED TO VERIFY WITH A MEDICAL PRACTITIONER OR THE BOARD WHETHER THE
36 MEDICAL PRACTITIONER HAS RECEIVED A WAIVER PURSUANT TO THIS SUBSECTION.

37 R. For the purposes of this section, "medication-assisted
38 treatment" has the same meaning prescribed in section 32-3201.01.

39 Sec. 4. Retroactivity

40 This act applies retroactively to from and after April 25, 2018.

APPROVED BY THE GOVERNOR MARCH 27, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 27, 2018

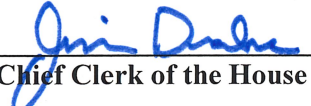
Passed the House February 20, 20 18

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting


Speaker of the House

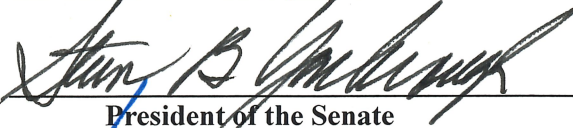
☐ Pro Tempore

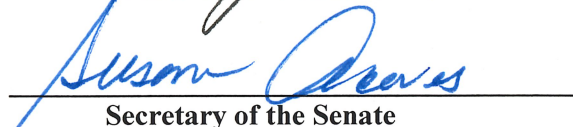

Chief Clerk of the House

Passed the Senate March 21, 20 2018

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting


President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

~~This Bill received by the Governor this~~

~~_____ day of _____, 20 _____~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____~~

~~at _____ o'clock _____ M.~~

~~_____~~

~~Governor of Arizona~~

H.B. 2633

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

~~This Bill received by the Secretary of State~~

~~this _____ day of _____, 20 _____~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

Passed the House March 22, 2018,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

R. R. Boyce
Speaker of the House
Pro Tempore

Jim Drake
Chief Clerk of the House

Passed the Senate _____, 20____,

by the following vote: _____ Ayes,

_____ Nays, _____ Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

22nd day of March, 2018

at 3:31 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 27th day of

March, 2018

at 10:53 o'clock A. M.

[Signature]
Governor of Arizona

H.B. 2633

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 27 day of March, 2018,

at 1:32 o'clock P. M.

[Signature]
Secretary of State